

Application No.: 10/800,168

Art Unit: 1745

JUL 26 2007

Docket No.: TOW-068

REMARKS

In this Response, Applicants amend claims 1, 4, 5, 8, 9, 12, 13 and 16, and cancel claims 2, 3, 6, 7, 10, 11, 14 and 15. Claims 1, 4, 5, 8, 9, 12, 13 and 16 are currently pending, of which claims 1, 5, 9 and 13 are independent. No new matter has been introduced. Applicants respectfully submit that the pending claims define over the art of record.

Applicants note with appreciation that the Examiner deems that claims 3, 7, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See Office Action, paragraph 10.

Claim Rejections under 35 U.S.C. §112

Claims 1-16 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1-16 are also rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner suggests changing the language regarding the humidifier such that no humidifier for humidifying the hydrogen-containing gas is provided on the anode side, rather than to the anode side. See Office Action, paragraphs 4 and 6.

In the foregoing claim amendments, Applicants amend independent claims 1, 5, 9 and 13 to recite "said fuel cell system is free of a humidifier for humidifying said hydrogen-containing gas supplied on an anode side of said fuel cell." As such, Applicants believe claims 1, 5, 9 and 13 to recite allowable subject matter under the provisions of 35 U.S.C. §112, first and second paragraphs. Applicants respectfully request reconsideration and allowance of claims 1, 5, 9 and 13.

Claim 4 depends upon claim 1 and adds separate and patentable limitations to claim 1. Claim 8 depends upon claim 5 and adds separate and patentable limitations to claim 5. Claim 12 depends upon claim 9 and adds separate and patentable limitations to claim 9. Claim 16 depends upon claim 13 and adds separate and patentable limitations to claim 13. Applicants also respectfully request reconsideration and allowance of claims 4, 8, 12 and 16.

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Allowable Subject Matter

In the foregoing claim amendments, Applicants amend claim 1 to add the feature of claim 2 and the patentable feature of claim 3. Applicants amend claim 5 to add the feature of claim 6 and the patentable feature of claim 7. Applicants amend claim 9 to add the feature of claim 10 and the patentable feature of claim 11. Applicants amend claim 13 to add the feature of claim 14 and the patentable feature of claim 15. In light of the amendments, Applicants respectfully request that the 35 U.S.C. §102 rejection of claims 1, 5, 9 and 13 be withdrawn. Reconsideration and allowance of claims 1, 5, 9 and 13 is requested in view of the above claim amendments.

Claim 4 depends upon claim 1 and adds separate and patentable limitations to claim 1. Claim 8 depends upon claim 5 and adds separate and patentable limitations to claim 5. Claim 12 depends upon claim 9 and adds separate and patentable limitations to claim 9. Claim 16 depends upon claim 13 and adds separate and patentable limitations to claim 13. As such, Applicants respectfully submit that dependent claims 4, 8, 12 and 16 also define over the art of record.

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CONCLUSION

In view of the foregoing amendments, Applicants believe the pending application is in condition for allowance.

Applicants believe that no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-068 from which the undersigned is authorized to draw.

Dated: July 26, 2007

Respectfully submitted,

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